

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN SZAREWICZ,	)	
	)	Civil Action No. 10 - 1141
Petitioner,	)	
	)	Chief District Judge Gary L. Lancaster
v.	)	
	)	
THE PENNSYLVANIA ATTORNEY	)	
GENERAL; WARDEN OF SCI	)	
HOUTZDALE; and THE ALLEGHENY	)	
COUNTY DISTRICT ATTORNEY,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (ECF No. 1) on June 14, 2010, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On November 17, 2010, the magistrate judge filed a Report and Recommendation (ECF No. 33) recommending that the Petition for Writ of Habeas Corpus be dismissed as a successive 2254 petition for which the Petitioner has not demonstrated the necessary certification from the Court of Appeals for the Third Circuit as required under 28 U.S.C. § 2244(b)(3). Petitioner filed Objections to the Report and Recommendation on November 29, 2010 (ECF Nos. 36, 37, 38 and 39). Petitioner's Objections do not undermine the recommendation of the magistrate judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the objections thereto, the following order is entered:

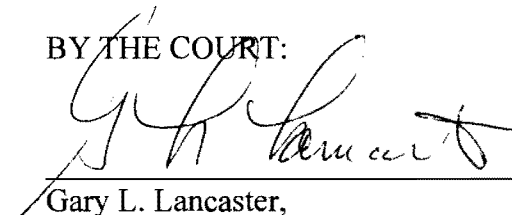
AND NOW, this 27<sup>th</sup> day of December, 2010, **IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DISMISSED** as a successive 2254 petition for which the Petitioner has not demonstrated the necessary certification from the Court of Appeals for the Third Circuit as required under 28 U.S.C. § 2244(b)(3).

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF. No. 33) dated November 17, 2010, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

  
\_\_\_\_\_  
Gary L. Lancaster,  
Chief United States District Judge

cc: Steven Szarewicz  
AP - 8784  
S.C.I. Rockview  
Box A  
Bellefonte, PA 16823